

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 40866	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/FI2004/000154	International filing date (day/month/year) 17.03.2004	Priority date (day/month/year) 17.03.2003
International Patent Classification (IPC) or national classification and IPC A61K 7/00, A61K 7/48, A61P 17/06		
Applicant Oy Psorioil Ltd et al		

- This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 6 sheets, including this cover sheet.
- This report is also accompanied by ANNEXES, comprising:
 - ☒ (sent to the applicant and to the International Bureau) a total of 2 sheets, as follows:
 - ☒ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

- This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input checked="" type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input checked="" type="checkbox"/> | Box No. VIII | Certain observations on the international application |

Date of submission of the demand 23.09.2004	Date of completion of this report 17.06.2005
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Form PCT/IPEA/409 (cover sheet) (January 2004)

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/FI2004/000154

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of:

- ☐ international search (under Rules 12.3 and 23.1(b))
☐ publication of the international application (under Rule 12.4)
☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☐ the international application as originally filed/furnished

☒ the description:

pages 1-18 _____ as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☒ the claims:

pages _____ as originally filed/furnished

pages* _____ as amended (together with any statement) under Article 19

pages* 19-20 received by this Authority on 30-05-2005

pages* _____ received by this Authority on _____

☐ the drawings:

pages _____ as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to the sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to the sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application

☐ claims Nos. _____

because:

☒ the said international application, or the said claims Nos. 13
relate to the following subject matter which does not require an international preliminary examination (*specify*):

See PCT Rule 67.1.(iv) .: Methods for treatment of the human or animal body by surgery or therapy, as well as diagnostic methods.

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. _____
are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. _____ are so inadequately supported
by the description that no meaningful opinion could be formed.

☐ no international search report has been established for said claims Nos. _____

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the
Administrative Instructions in that:

the written form

☐

has not been furnished

☐

does not comply with the standard

the computer readable form

☐

has not been furnished

☐

does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with
the technical requirements provided for in the Annex C-bis of the Administrative Instructions.

☐ See Supplemental Box for further details.

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>1-12</u>	YES
	Claims		NO
Inventive step (IS)	Claims	<u>1-12</u>	YES
	Claims		NO
Industrial applicability (IA)	Claims	<u>1-12</u>	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

Reference is made to the following documents:

D1: GB2090526 A
D2: RU2144351 C1
D3: RD378007 A
D4: JP06128121

The invention is directed to skin care products in oil, cream, emulsion, gel, liquid and stick form for dry and scaling skin. The products comprise 1 - 90% by weight of tall oil fatty acids and 99 - 10% by weight of various vegetable oils and their fatty acids. Further, the products may contain emulsifiers, thickeners, solvents and powdery flours, depending on the purpose of use of the product on various parts of the skin.

D1 is related to cosmetic oil based on a mixture of two vegetable oils. One of the oils is hazelnut oil and the other oil could be pine oil. The pine oil comprises parasol pine oil (pinus pines), see D1 page 1, lines 30-33. The pine oil in D1 is considered to correspond to the tall oil fatty acids described in the claimed invention according to claim 1. According to D1, the mixture of vegetable oils prevents the skin from drying out, see page 1, lines 16-20. A composition could have the weight ratio of hazelnut oil to parasol pine oil from 20:80 to 80:20, see D1 claim 3. According to claim 8 in D1, a composition could also contain sun filters. On page 2, lines 25-28, D1 describes that a composition could also contain mineral oil.

D3 describes the use of metallic soaps as thickeners in a

.../...

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

The term "their derivatives" used in claims 1-14 is vague and unclear and leaves the reader in doubt as to the meaning of the technical features to which it refers, thereby rendering the definition of the subject-matter of said claims unclear (Article 6 PCT). Present claims 1-14 therefore relate to an extremely large number of possible compounds. Support within the meaning of Article 6 PCT and / or disclosure within the meaning of Article 5 PCT is to be found, however, for only a very small proportion of the compounds claimed.

The term "a mixture of two or more oils" used in claims 1-14 is vague and unclear and leaves the reader in doubt as to the meaning of the technical features to which it refers, thereby rendering the definition of the subject-matter of said claims unclear (Article 6 PCT). It is not clear that the term refers to a mixture of the stated vegetable oils and is therefore considered to comprise any kind of oils.

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: BOX V

cosmetic composition. D3 does not disclose a combination of one or several vegetable oils with tall oil fatty acids, however, D3 describes that it is known for a person skilled in the art to use metallic soaps as thickeners.

D4 describes the use of glycerol as a moisturising agent, see abstract.

D2 describe a cosmetic cream containing fir oil, see abstract.

The cited documents D1-D4 represent the general state of the art.

The invention defined in claims 1-12 is not disclosed by any of these documents.

The cited prior art does not give any indication that would lead a person skilled in the art to the claimed skin care product comprising tall oil fatty acids in combination with the stated vegetable oils. Therefore, the claimed invention is not obvious to a person skilled in the art.

Accordingly, the invention defined in claims 1-12 is novel and is considered to involve an inventive step. The invention is industrially applicable.

Claims

1. A skin care product, **characterized** in that it comprises tall oil fatty acids or their derivatives and one or several vegetable oils selected from the group consisting of
5 sunflower oil, grape seed oil, rapeseed oil, tall seed oil, flaxseed oil, peanut oil, buckthorn oil, blackcurrant seed oil, Siberian pine seed oil, safflor oil, primrose oil, and a mixture of two or more oils.
2. The product according to claim 1, **characterized** in that it comprises 1-90 % by
10 weight of tall oil fatty acids or their derivatives and 99-10 % by weight of vegetable oil(s).
3. The product according to claim 1 or 2, **characterized** in that it contains a UV
protection agent, for example titanium dioxide.
15
4. The product according to claim 3, **characterized** in that the amount of the UV
protection agent is 0.1-10 % by weight.
5. The product according to any one of claims 1-4, **characterized** in that it is a
20 cream, oil, emulsion, gel, spray, foam, stick, roll-on or scalp.
6. The product according to any one of claims 1-5, **characterized** in that it contains
mineral oil, preferably paraffin oil or white oil.
- 25 7. The product according to claim 6, **characterized** in that the amount of mineral
oil is 1-30 % by weight.
8. The product according to any one of claims 1-7, **characterized** in that it contains
a thickener, such as metal soap or solid paraffin.
- 30 9. The product according to claim 8, **characterized** in that the amount of thickener
is 1-30% by weight.

10. The product according to any one of claims 1-9, characterized in that it contains 0.1-10% by weight of glycerol.

5 11. The use of tall oil fatty acids or their derivatives and vegetable oils selected from the group consisting of sunflower oil, grape seed oil, rapeseed oil, tall seed oil, flaxseed oil, peanut oil, buckthorn oil, blackcurrant seed oil, Siberian pine seed oil, safflor oil, primrose oil and a mixture of two or more oils, for the preparation of skin care products for dry and scaling skin.

10 12. The use of tall oil fatty acids or their derivatives and vegetable oils selected from the group consisting of sunflower oil, grape seed oil, rapeseed oil, tall seed oil, flaxseed oil, peanut oil, buckthorn oil, blackcurrant seed oil, Siberian pine seed oil, safflor oil, primrose oil and a mixture of two or more oils, for the preparation of
15 preparations for the prevention and treatment of psoriasis, dermatitis, eczemas or scaling.

13. A method for the treatment and prevention of psoriasis, dermatitis, eczema or scaling, wherein an effective amount of a preparation which comprises tall oil fatty
20 acids or their derivatives and vegetable oils is spread on the skin.